



STATE OF WISCONSIN

Senate Journal

Ninety–Ninth Regular Session

11:00 A.M.

TUESDAY, February 24, 2009

The Senate met.

The Senate was called to order by President Risser.

CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for the session was:

Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Absent – None.

Absent with leave – None.

The Senate stood for the prayer which was offered by Representative Lawrence Walker, a member of the Ho–Chunk Legislature.

The Senate remained standing and Senator Fitzgerald led the Senate in the pledge of allegiance to the flag of the United States of America.

CHIEF CLERK'S ENTRIES

The Chief Clerk makes the following entries dated **Monday, February 23, 2009.**

AMENDMENTS OFFERED

Senate amendment 2 to **Senate Bill 37** offered by Senator Taylor.

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 14

Relating to: declaring March 2009 American Red Cross Month.

By Senators Risser, Cowles, Kedzie, Lehman, Miller and Olsen; cosponsored by Representatives Ballweg, Benedict, Bies, Brooks, Hebl, Hintz, Kerkman, A. Ott, Pasch, Petrowski, Ripp, M. Williams, Zepnick and Pope–Roberts.

To committee on **Senate Organization.**

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:

Senate Clearinghouse Rule 08–060

Relating to wholesale fish dealing and commercial fishing in outlying waters and affecting small business.

No action taken.

JIM HOLPERIN

Chairperson

INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read and referred:

Senate Joint Resolution 15

Relating to: commending Archbishop Timothy Michael Dolan on his appointment as archbishop of New York.

By Senators Plale, Sullivan and Vinehout; cosponsored by Representatives Sinicki and Kleefisch.

To committee on **Senate Organization.**

PETITIONS AND COMMUNICATIONS

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 9.**

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Joint Resolution 14.**

Pursuant to Senate Rule 17 (5), Senator Vinehout added as a coauthor of **Senate Joint Resolution 15.**

Pursuant to Senate Rule 17 (5), Senator Miller added as a coauthor of **Senate Bill 6.**

Pursuant to Senate Rule 17 (5), Senator Hansen added as a coauthor of **Senate Bill 6.**

Pursuant to Senate Rule 17 (5), Senator Carpenter added as a coauthor of **Senate Joint Resolution 15.**

Pursuant to Senate Rule 17 (5), Senator Taylor added as a cosponsor of **Assembly Joint Resolution 17.**

ADVICE AND CONSENT OF THE SENATE

State of Wisconsin
Office of the Governor

February 6, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint SCHNEIDER, KATHLEEN, of

Minocqua, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2012.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

**State of Wisconsin
Office of the Governor**

February 17, 2009

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint WOZNIAK, MARION, of Edgerton, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2010.

Respectfully Submitted,
JIM DOYLE
Governor

Read and referred to committee on **Economic Development.**

Senator Decker, with unanimous consent, asked that the Senate recess to attend the State of the Tribes Address in Joint Convention in the Assembly Chamber.

11:05 A.M.

RECESS

The Senate proceeded in a body to the Assembly Chamber to meet in Joint Convention to receive the State of the Tribes Address.

**IN ASSEMBLY CHAMBER IN
JOINT CONVENTION**

The State of the Tribes Address was given by Arlyn Ackley, Chariman of the Sokaogou Chippewa Community.

12:30 P.M.

The Senate reconvened.

President Risser in the chair.

ADVICE AND CONSENT OF THE SENATE

Senator Decker, with unanimous consent, asked that all appointments be taken up en masse.

ALDEN, GINGER, of Wausau, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 2011.

BERKOS, DANIEL, of Mauston, as a member of the Public Defender Board, to serve for the term ending May 1, 2011.

BLAIR, KARLA, of Kaukauna, as a member of the Accounting Examining Board, to serve for the term ending July 1, 2012.

CHANG, MAYTONG, of Milwaukee, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2011.

HAMBERGER, L. KEVIN, of Franklin, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2011.

HANEY, JAMES M., of Plover, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 2011.

HERBER, CYNTHIA, of Glendale, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 2011.

HOFFMANN, MICQUEL, of Hartford, as a member of the Real Estate Appraisers Board, to serve for the term ending May 1, 2012.

HOGAN, JOHN, of Hazelhurst, as a member of the Public Defender Board, to serve for the term ending May 1, 2011.

KINNEY, MICHAEL, of River Falls, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2012.

KOHLBERG, GARY, of Oconomowoc, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2012.

LANGDON, JAMES, of DeForest, as a member of the Prison Industries Board, to serve for the term ending May 1, 2011.

MILLER, MICHAEL, of West Bend, as a member of the Wisconsin Judicial Commission, to serve for the term ending August 1, 2011.

MULLOOLY, THOMAS, of Wauwatosa, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2011.

NUERNBERG, CHRISTINE, of Mequon, as a member of the Wisconsin Professional Baseball Park District Board, for the term ending July 1, 2009.

RAGLAND, NANCY, of Madison, as a member of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors, to serve for the term ending July 1, 2012.

RODRIGUEZ, MARIANA, of Milwaukee, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2011.

SCHMIDT, JUSTINE, of Milwaukee, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2011.

SHAVER, DALE, of Waukesha, as a member of the Waste Facilities Siting Board, to serve for the term ending May 1, 2011.

WAGNER, EDWARD, of Marshfield, as a member of the Wisconsin Aerospace Authority, to serve for the term ending June 30, 2011.

WETTERSTEN, NANCY, of Madison, as a member of the Public Defender Board, to serve for the term ending May 1, 2011.

WILKIE, GERALD, of Eau Claire, as a member on the Council on Domestic Abuse, to serve for the term ending July 1, 2012.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lazich, Lehman, Leibham, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

**CONSIDERATION OF MOTIONS,
RESOLUTIONS AND JOINT RESOLUTIONS
NOT REQUIRING A THIRD READING**

Senate Joint Resolution 6

Relating to: opposing a federal mandate requiring the suspension or revocation of driver’s licenses in all circumstances in which a person has been convicted of a drug or other controlled substances violation and exercising the state’s option to opt out of this federal mandate.

The question was: Shall **Senate Joint Resolution 6** be adopted?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Ellis, Erpenbach, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kreitlow, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 25.

Noes – Senators Cowles, Darling, S. Fitzgerald, Kanavas, Kedzie, A. Lasee, Lazich and Leibham – 8.

Absent or not voting – None.

Adopted.

Senate Joint Resolution 12

Relating to: recognizing and supporting national Minority Cancer Awareness Week.

Read.

Adopted.

Senate Joint Resolution 13

Relating to: the Professional Ambulance Association of Wisconsin.

Read.

Adopted.

Senator Decker, with unanimous consent, asked that **Senate Joint Resolution 14** and **Senate Joint Resolution 15** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Senate Joint Resolution 14

Relating to: declaring March 2009 American Red Cross Month.

Read.

Adopted.

Senate Joint Resolution 15

Relating to: commending Archbishop Timothy Michael Dolan on his appointment as archbishop of New York.

Read.

Adopted.

**SECOND READING AND AMENDMENTS
OF SENATE JOINT RESOLUTIONS
AND SENATE BILLS**

Senate Bill 6

Relating to: designating a portion of the Brunswweiler River as a wild river.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 6

Read a third time and passed.

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

- Senate Joint Resolution 6**
- Senate Joint Resolution 12**
- Senate Joint Resolution 13**
- Senate Joint Resolution 14**
- Senate Joint Resolution 15**
- Senate Bill 6**

Messaged.

Senator Leibham, with unanimous consent, asked that the Senate recess for five minutes.

12:52 P.M.

RECESS

1:04 P.M.

The Senate reconvened.

President Risser in the chair.

Senate Bill 9

Relating to: a tort action for intentional misrepresentation in a residential real estate transaction.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 9

Read a third time and passed.

Senate Bill 12

Relating to: the operation of motorboats, other than personal watercraft, at slow–no–wake speed within a given distance of the shoreline of a lake.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 12

Read a third time and passed.

Senate Bill 16

Relating to: permitting a mother to breast–feed in any public or private location where she is otherwise authorized to be.

Read a second time.

Senate amendment 1 to **Senate Bill 16** offered by Senators Lazich and Leibham.

The question was: Adoption of Senate amendment 1 to **Senate Bill 16**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 16

Read a third time and passed.

Senate Bill 36

Relating to: motor vehicle operating privilege suspensions for controlled substance violations.

Read a second time.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 36

Read a third time.

The question was: Passage of **Senate Bill 36**?

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, Coggs, Decker, Ellis, Erpenbach, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Sullivan, Taylor, Vinehout and Wirch – 25.

Noes – Senators Cowles, Darling, S. Fitzgerald, Kanavas, Kedzie, Lazich, Leibham and Schultz – 8.

Absent or not voting – None.

Passed.

Senate Bill 37

Relating to: payment of judgments in traffic courts and municipal courts by installments and the suspension of operating privileges.

Read a second time.

Senator Taylor, with unanimous consent, asked that Senate amendment 1 to **Senate Bill 37** be withdrawn and returned to author.

The question was: Adoption of Senate amendment 2 to **Senate Bill 37**?

Adopted.

Ordered to a third reading.

Senator Decker, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 37

Read a third time.

The question was: Passage of **Senate Bill 37**?

The ayes and noes were required and the vote was: ayes, 31; noes, 2; absent or not voting, 0; as follows:

Ayes – Senators Carpenter, Coggs, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kanavas, Kapanke, Kedzie, Kreitlow, A. Lasee, Lassa, Lehman, Miller, Olsen, Plale, Risser, Robson, Schultz, Sullivan, Taylor, Vinehout and Wirch – 31.

Noes – Senators Lazich and Leibham – 2.

Absent or not voting – None.

Passed.

MESSAGES FROM THE ASSEMBLY

By Patrick E. Fuller, chief clerk.

Mr. President:

I am directed to inform you that the Assembly has adopted and asks concurrence in:

Assembly Joint Resolution 17

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Joint Resolution 17

Relating to: declaring March 10, 2009, Tibet Day.

By Representatives Parisi, Black, Seidel, Pocan, Berceau, Bies, Sherman, Pope–Roberts, Richards and Roys; cosponsored by Senators Erpenbach and Miller.

Read and referred to committee on **Senate Organization**.

Senator Decker, with unanimous consent, asked that **Assembly Joint Resolution 17** be withdrawn from the committee on **Senate Organization** and taken up at this time.

Assembly Joint Resolution 17

Relating to: declaring March 10, 2009, Tibet Day.

The question was: Shall **Assembly Joint Resolution 17** be concurred in?

Concurred in.

Senator Decker, with unanimous consent, asked that all action be immediately messaged to the Assembly:

- Senate Bill 9**
- Senate Bill 12**
- Senate Bill 16**
- Senate Bill 36**

Senate Bill 37
Assembly Joint Resolution 17

Messaged.

**ANNOUNCEMENTS, ADJOURNMENT HONORS,
 AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Wirch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Leo Konrad, who passed away at age 92. He was a retired firefighter and devoted his life to Cub Scouts and Girl Scouts. He was a student of Native American History and carved totem poles that will be an enduring legacy.

Senator Erpenbach, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Senator Tim Carpenter, on the celebration of his 49th birthday.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Wisconsin Junior Men's Curling Team, which won the Bronze Medal in the 2009 Junior Men's Curling Championship in North Dakota last week. Team members are Blake Morton (Skip), Marcus Fonger (Vice-Skip), Tommy Juszyk (Second), Calvin Weber (Lead), and Tom Gabower (Alternate). All are members of the Madison Curling Club located in McFarland.

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Gwendolyn Goodden and Annabelle Goodden, physicians from the United Kingdom, who are visiting their grandmother, former State Representative Midge Miller.

Senator Hopper, with unanimous consent, asked that when the Senate adjourn, it do so in honor of longtime Fond du Lac police officer, Mike Mullenix, who passed away earlier this month. Mike started with the Fond du Lac police department in 1970 as a patrol officer and retired as a police patrol captain in 2001. "Muldo," as his fellow officers knew him by, was a respected supervisor and always thought of his officers and the community when he made decisions. He will be deeply missed by his family, friends, and the Fond du Lac community.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of February's Black History Month, acknowledging African American culture, heritage and their continued accomplishments.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of celebrating the realization of a dream, the presidency of Barack Hussein Obama.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor off Paul Higginbotham, the first African American to serve as a judge on the Wisconsin Court of Appeals. A former civil rights attorney and graduate from the University of Wisconsin-Madison, Higginbotham was a great asset to our state's judicial system.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Francis Huntley-Cooper, former Fitchburg mayor, who was the first African-American elected to lead a Wisconsin city.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Pastor John A. Barton,

for his continued efforts by providing over 29 years of service to the community with his prison ministry, food and clothing pantries, and the door-to door outreach he provides to members of the community.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the students of Grantosa School, who were willing to participate in the Black History Month program at the State Capitol. Thank you for your support.

Senator Taylor, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the students of Washington High School LEAP Program, whose students were also willing to pay homage to those who made a difference in their lives at our Black History Month program in the capitol today.

Senator Darling, with unanimous consent, asked that when the Senate adjourn, it do so in honor of her mother, Mrs. Helen Statkus' 92nd birthday.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Black History Month and the late Representative Marcia Coggs, the first African-American woman in the Wisconsin Legislature.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the birthday of his daughter, Mariama.

Senator Coggs, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the passing of James McCann, former Alderman, former State Legislator, and former City of Milwaukee Comptroller.

Senator Kedzie, with unanimous consent, asked that when the Senate adjourn, it do so in honor of his grandmother, Peggy Bemowski, who passed away on February 9th at the age of 97.

Senator Jauch, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Superior Days delegates. They are here once again for the 24th year, close to two hundred citizens of all ages, particularly high school and college youth, who so eagerly participated in this very important grassroots democracy effort. The reception is tomorrow evening at the Inn on the Park and the Senator certainly hopes that everyone can come over. Each delegation will be visiting offices and everyone has always been so kind and gracious in extending time for them, and the Senator hopes that everyone will once again. We appreciate your interest in the area and applaud your support.

Senator Lassa, with unanimous consent, asked that when the Senate adjourn, it do so in honor of all the Wisconsin National Guard troops, who have been called up and will be serving overseas. They are performing a tremendous service to our country; not only the Guardsmen themselves, but also their families, who they are leaving behind. It would be wonderful for the Senate to adjourn today in their honor.

ADJOURNMENT

Senator Decker, with unanimous consent, asked that the Senate adjourn until Thursday, February 26, 2009.

1:30 P.M.

Adjourned.